

## HOUSE BILL NO. HB0122

Anesthesiologist assistants licensing.

Sponsored by: Representative(s) Berger, Banks, Stith and  
Zwonitzer, Dn and Senator(s) Pappas and  
Schuler

A BILL

for

1 AN ACT relating to professions and occupations; providing  
2 for the licensing of anesthesiologist assistants and  
3 specifying scope of practice; creating and amending  
4 definitions; creating an advisory committee to the board of  
5 medicine; providing for temporary licenses as specified;  
6 providing for the imposition of fees; providing for the  
7 suspension, restriction, revocation or nonrenewal of  
8 licenses as specified; providing for license reinstatement;  
9 creating a criminal penalty; providing for a hearing;  
10 requiring rulemaking; and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 33-26-801 through 33-26-811 are  
15 created to read:

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ARTICLE 8

ANESTHESIOLOGIST ASSISTANTS

**33-26-801. Definitions.**

(a) As used in this article:

(i) "Anesthesiologist" means a physician who has completed a residency in anesthesiology approved by the American Board of Anesthesiology, the American Osteopathic Board of Anesthesiology or its predecessor or successor organization and is licensed under article 3 of this chapter;

(ii) "Anesthesiologist assistant" means any person licensed under this article who:

(A) Has graduated from an anesthesiologist assistant education program approved by CAAHEP or its predecessor or successor agency;

1                   (B) Has satisfactorily completed a  
2 certification examination administered by NCCAA or other  
3 national anesthesiologist assistant certifying agency that  
4 has been reviewed and approved by the board and is  
5 currently certified; and

6

7                   (C) Is approved by the board to assist in  
8 the practice of medicine under the supervision of an  
9 anesthesiologist or group of anesthesiologists approved by  
10 the board to supervise the person.

11

12                   (iii) "Assist" means the anesthesiologist  
13 assistant may personally perform those duties and  
14 responsibilities delegated to the anesthesiologist  
15 assistant by the supervising anesthesiologist with the  
16 supervising anesthesiologist being physically on-site;

17

18                   (iv) "Alternate anesthesiologist" means an  
19 anesthesiologist designated by the supervising  
20 anesthesiologist to ensure supervision of the  
21 anesthesiologist assistant in the supervising  
22 anesthesiologist's absence. An alternate anesthesiologist

1 is subject to the same requirements imposed upon the  
2 supervising anesthesiologist;

3

4 (v) "Board" means the Wyoming board of medicine;

5

6 (vi) "Certification examination" means the  
7 initial certifying examination approved by the board for  
8 the certification of anesthesiologist assistants including,  
9 but not limited to, the examination administered by NCCAA  
10 or other national anesthesiologist assistant certifying  
11 agency established for such purpose that has been reviewed  
12 and approved by the board;

13

14 (vii) "License" means a license to practice as  
15 an anesthesiologist assistant in this state;

16

17 (viii) "Licensee" means a person licensed to  
18 practice as an anesthesiologist assistant under this act;

19

20 (ix) "NCCAA" means the national commission on  
21 the certification of anesthesiologist assistants;

22

1           (x) "On-site" means within the facility where  
2 anesthesia services may be needed including the operating  
3 room suites, intensive care unit, emergency room, obstetric  
4 suite, endoscopy suite, radiology suite, cardiac services  
5 suite and recovery room;

6

7           (xi) "Supervising anesthesiologist" means an  
8 anesthesiologist approved by the board to supervise an  
9 anesthesiologist assistant and who agrees to be responsible  
10 for the medical acts of an anesthesiologist assistant;

11

12           (xii) "Supervision" means the ready, on-site  
13 availability of the supervising anesthesiologist for  
14 consultation and direction of the activities of the  
15 anesthesiologist assistant.

16

17           **33-26-802. Scope.**

18

19           (a) This article does not apply to persons enrolled  
20 in an anesthesiologist assistant program.

21

22           (b) An anesthesiologist assistant may perform those  
23 duties and responsibilities delegated to the

1 anesthesiologist assistant by a supervising  
2 anesthesiologist and under the supervision of the  
3 supervising anesthesiologist. A supervising  
4 anesthesiologist may delegate duties to an anesthesiologist  
5 assistant within the scope of the supervising  
6 anesthesiologist's practice and expertise and within the  
7 skills of the anesthesiologist assistant including the  
8 following:

9  
10 (i) Perform preoperative anesthetic evaluations,  
11 postoperative anesthetic evaluations and patient progress  
12 notes, all to be co-signed by the supervising  
13 anesthesiologist within twenty-four (24) hours;

14  
15 (ii) Order and perform preoperative  
16 consultations;

17  
18 (iii) Order preoperative medications, including  
19 controlled substances, which may be administered prior to  
20 the co-signature by the supervising anesthesiologist;

21

1           (iv) Change or discontinue a medical treatment  
2 plan after consultation with the supervising  
3 anesthesiologist;

4

5           (v) Obtain informed consent for anesthesia or  
6 related procedures;

7

8           (vi) Order the perioperative continuation of  
9 current medications, which may be administered prior to the  
10 co-signature by the supervising anesthesiologist;

11

12           (vii) Calibrate anesthesia delivery systems and  
13 obtain and interpret information from the systems and  
14 monitors, in consultation with the supervising  
15 anesthesiologist;

16

17           (viii) Assist the supervising anesthesiologist  
18 with the implementation of medically accepted monitoring  
19 techniques;

20

21           (ix) Perform basic and advanced airway  
22 interventions, including endotracheal intubation, laryngeal  
23 mask insertion and other advanced airways techniques;

1

2 (x) Establish peripheral intravenous lines,  
3 including subcutaneous lidocaine use;

4

5 (xi) Establish radial and dorsalis pedis  
6 arterial lines and central lines;

7

8 (xii) Perform general anesthesia, including  
9 induction, maintenance and emergence;

10

11 (xiii) Perform procedures associated with  
12 general anesthesia, such as gastric intubation;

13

14 (xiv) Administer intermittent vasoactive drugs  
15 and start and titrate vasoactive infusions for the  
16 treatment of patient responses to anesthesia;

17

18 (xv) Perform epidural, spinal and intravenous  
19 regional anesthesia;

20

21 (xvi) Maintain and manage established neuraxial  
22 and regional anesthesia;

23



1 (xvii) Perform monitored anesthesia care;

2

3 (xviii) Evaluate and manage patient controlled  
4 analgesia, epidural catheters and peripheral nerve  
5 catheters;

6

7 (xix) Obtain venous and arterial blood samples;

8

9 (xx) Perform, order and interpret appropriate  
10 preoperative, point of care, intraoperative or  
11 postoperative diagnostic tests or procedures as authorized  
12 by the supervising anesthesiologist;

13

14 (xxi) Obtain and administer perioperative  
15 anesthesia and related pharmaceutical agents including  
16 intravenous fluids and blood products;

17

18 (xxii) Participate in management of the patient  
19 while in the preoperative suite and recovery area;

20

21 (xxiii) Order postoperative sedation, anxiolysis  
22 and analgesia that may be administered prior to the  
23 co-signature by the supervising anesthesiologist;

1

2           (xxiv) Order postoperative oxygen therapy,  
3 including initial ventilator therapy, which may be  
4 administered prior to the co-signature by the supervising  
5 anesthesiologist;

6

7           (xxv) Order post-operative respiratory therapy  
8 and medicines for the treatment of patient responses to  
9 anesthesia, which may be administered prior to the  
10 co-signature by the supervising anesthesiologist;

11

12           (xxvi) Provide assistance to a cardiopulmonary  
13 resuscitation team in response to a life-threatening  
14 situation;

15

16           (xxvii) Participate in administrative, research  
17 and clinical teaching activities as authorized by the  
18 supervising anesthesiologist;

19

20           (xxviii) Perform other tasks not prohibited by  
21 law under the supervision of the supervising  
22 anesthesiologist that an anesthesiologist assistant has  
23 been trained and is proficient to perform.

1

2 (c) Nothing in this article shall be construed to  
3 prevent an anesthesiologist assistant from having access to  
4 and being able to obtain drugs as directed by the  
5 supervising anesthesiologist.

6

7 (d) Nothing in this article shall be construed to  
8 conflict with or alter the provisions and requirements of  
9 W.S. 33-26-101 through 33-26-410 and 33-26-601 through  
10 33-26-703.

11

12 **33-26-803. Board powers and duties.**

13

14 (a) The board shall review the qualifications and  
15 determine the fitness of all persons desiring to practice  
16 as anesthesiologist assistants.

17

18 (b) The board shall:

19

20 (i) Grant, renew, refuse to grant or renew,  
21 suspend, restrict, revoke and reinstate licenses;

22

1           (ii) Investigate allegations that an  
2 anesthesiologist assistant or supervising anesthesiologist  
3 has engaged in conduct constituting a ground for revocation  
4 in W.S. 33-26-402 or 33-26-808(a);

5

6           (iii) Conduct informal interviews and contested  
7 cases;

8

9           (iv) Promulgate rules governing the licensure  
10 and practice of anesthesiologist assistants;

11

12           (v) Appoint members to serve on an advisory  
13 committee to the board of medicine. At least two (2) of  
14 the members of the advisory committee shall be  
15 anesthesiologist assistants and two (2) members shall be  
16 anesthesiologists. The committee members are responsible  
17 to and shall serve at the board's pleasure. The advisory  
18 committee shall review and make recommendations to the  
19 board regarding all matters relating to anesthesiologist  
20 assistants that come before the board, including:

21

22           (A) Applications for licensure, renewals or  
23 reinstatements;

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(B) Education standards;

3

4

(C) Scope of practice;

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(D) Licensure requirements;

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(E) Continuing medical education.

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(vi) Retain jurisdiction over only those licensees to whom temporary or full licenses were granted, regardless of whether the license expired, lapsed or was relinquished during or after the alleged occurrence of conduct prescribed in W.S. 33-26-402 by the licensee or after the board receives a court order pursuant to W.S. 33-26-808(c) for the licensee;

17

18

(vii) Review the qualifications of physicians desiring to serve as a supervising anesthesiologist or alternate anesthesiologist including the compatibility of the supervising anesthesiologist's or alternate anesthesiologist's specialty and scope of practice with that of the anesthesiologist assistant to be supervised.

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1

2           **33-26-804. License required; application;**  
3 **qualifications; consideration of applications.**

4

5           (a) No person shall practice as an anesthesiologist  
6 assistant or represent oneself as a "certified  
7 anesthesiologist assistant", "licensed anesthesiologist  
8 assistant", "anesthesiologist assistant", "C.A.A." or  
9 "A.A." without a license granted by the board.

10

11           (b) The board may grant an anesthesiologist assistant  
12 license to an applicant who:

13

14           (i) Has graduated from an anesthesiologist  
15 assistant program accredited by CAAHEP or its predecessor  
16 or successor organization;

17

18           (ii) Has satisfactorily completed a  
19 certification examination administered by NCCAA or other  
20 national certifying agency that has been reviewed and  
21 approved by the board and is currently certified;

22

1           (iii) Completes an application on a form  
2 approved by the board; and

3

4           (iv) Pays the fees set forth in W.S. 33-26-807.

5

6           (c) No person shall act as a supervising  
7 anesthesiologist or alternate anesthesiologist without a  
8 license granted by the board under article 3 of this  
9 chapter. The board shall promulgate rules governing the  
10 board's consideration of applications by an  
11 anesthesiologist to supervise anesthesiologist assistants.  
12 Any application shall include at a minimum:

13

14           (i) The qualifications of the anesthesiologist  
15 assistant to be employed, including experience;

16

17           (ii) The professional background of the  
18 anesthesiologist;

19

20           (iii) A description by the anesthesiologist of  
21 that anesthesiologist's practice and the way in which the  
22 anesthesiologist assistant will be utilized, including  
23 method of supervision.

1

2 (d) The board, with the concurrence of the advisory  
3 committee, shall approve an application by an  
4 anesthesiologist to supervise anesthesiologist assistants  
5 if the board is satisfied that each proposed  
6 anesthesiologist assistant is fully qualified to assist in  
7 the practice of medicine under the responsible supervision  
8 of the applicant supervising anesthesiologist and that the  
9 supervising anesthesiologist is compatible in specialty  
10 scope and qualified to supervise the anesthesiologist  
11 assistants. The board shall provide by rule for  
12 requirements and limitations on the practice by and  
13 supervision of anesthesiologist assistants including the  
14 number of anesthesiologist assistants who may be supervised  
15 concurrently and the board shall not allow an  
16 anesthesiologist to supervise more than four (4)  
17 anesthesiologist assistants at any time.

18

19 **33-26-805. Temporary licenses.**

20

21 (a) The board may grant a temporary license to  
22 practice as an anesthesiologist assistant to a person who:

23



1 (i) Completes a temporary license application;

2

3 (ii) Has graduated from an anesthesiologist  
4 assistant program accredited by CAAHEP or its predecessor  
5 or successor organization;

6

7 (iii) Has not satisfactorily completed a  
8 certification examination administered by NCCAA or other  
9 national certifying agency that has been reviewed and  
10 approved by the board and is currently certified; and

11

12 (iv) Pays the temporary license fee prescribed  
13 in W.S. 33-26-807.

14

15 (b) Unless revoked, a temporary license is valid  
16 until the next board meeting following the date of  
17 issuance. The board may extend the temporary license at its  
18 discretion upon a showing of good cause for a period not to  
19 exceed one (1) year from the original date of issuance of  
20 the temporary license.

21

22 **33-26-806. Term of license; renewal; duplicates.**

23

1           (a) All licenses other than temporary licenses expire  
2 annually on December 31. An anesthesiologist assistant may  
3 renew a license by completing and submitting a renewal  
4 application form published by the board and by paying a  
5 renewal fee to the board before expiration of the current  
6 license.

7

8           (b) The board may reinstate a lapsed license if the  
9 applicant pays a reinstatement fee and meets the  
10 requirements for the granting of an initial license.

11

12           (c) An anesthesiologist assistant may apply to the  
13 board for a duplicate license if the anesthesiologist  
14 assistant's license is stolen, lost or destroyed. Upon  
15 proof of proper identification and submission of other  
16 information as the board may require, the board shall issue  
17 a duplicate license bearing on its face the word  
18 "DUPLICATE" and shall establish and require payment of  
19 appropriate charges for a duplicate license.

20

21           **33-26-807. License fees.**

22

1           (a) The board shall by rule set appropriate license  
2 application, renewal and reinstatement fees, examination  
3 fees and fees for information verification or document  
4 production and other services of the board under this  
5 chapter.

6

7           (b) Fees shall be deposited as provided in W.S.  
8 33-26-307(b).

9

10           **33-26-808. Denial, suspension, restriction,**  
11 **revocation or nonrenewal of license; written orders and**  
12 **findings; department of family services actions.**

13

14           (a) The board may refuse to renew and may revoke,  
15 suspend or restrict a license or take other disciplinary  
16 action, including the imposition of conditions or  
17 restrictions upon a license on one (1) or more of the  
18 grounds enumerated under W.S. 33-26-402(a)(i) through (x)  
19 and (xii) through (xxxv) except that for purposes of this  
20 section, "practice of medicine" or "practice medicine," as  
21 used in W.S. 33-26-402(a) means "practice as an  
22 anesthesiologist assistant."

23

1           (b) Upon a finding of ineligibility for licensure,  
2 refusal to grant, suspension, restriction, refusal to renew  
3 or revocation of a license under subsection (a) of this  
4 section, the board shall adopt and enter a written order  
5 and findings.

6

7           (c) Upon receipt from the department of family  
8 services of a certified copy of an order from a court to  
9 withhold, suspend or otherwise restrict a license issued by  
10 the board, the board shall notify the party named in the  
11 court order of the withholding, suspension or restriction  
12 of the license in accordance with the terms of the court  
13 order. No appeal under the Wyoming Administrative Procedure  
14 Act shall be allowed for a license withheld, suspended or  
15 restricted under this subsection.

16

17           (d) If the public health, safety or welfare requires  
18 emergency action the board may temporarily suspend the  
19 license of any licensee without a hearing pursuant to W.S.  
20 16-3-113(c).

21

22           **33-26-809. Reinstatement of license; removal of**  
23 **restrictions or conditions from a license.**

1

2 (a) Except as provided in subsection (g) of this  
3 section, any person whose license has been revoked,  
4 restricted or suspended under this chapter, voluntarily or  
5 by action of the board, may petition for reinstatement of  
6 the license or for removal of any restrictions or  
7 conditions placed upon the license pursuant to W.S.  
8 33-26-808 not less than six (6) months after final judicial  
9 review of a board order revoking, restricting, placing  
10 conditions upon or suspending the petitioner's license or  
11 six (6) months after the date of the board order if there  
12 is no judicial review.

13

14 (b) The petitioner shall submit a petition in writing  
15 to the board that, at a minimum, sets forth and provides  
16 information regarding the petitioner's fulfillment of any  
17 and all conditions or compliance with all restrictions  
18 imposed upon petitioner by any prior order of the board or  
19 success in correcting the conduct that formed the basis for  
20 the revocation, restriction, conditions or suspension of  
21 the petitioner's license.

22

1           (c) Upon receipt of the petition that contains the  
2 information required by subsection (b) of this section, the  
3 board shall set the matter for hearing in accordance with  
4 the provisions of the Wyoming Administrative Procedure Act.  
5 The burden of proof upon the petitioner at the hearing  
6 shall be to demonstrate by a preponderance of the evidence  
7 that the petitioner has:

8

9           (i) Corrected the conduct that formed the basis  
10 for the revocation, restriction, conditions or suspension  
11 of the petitioner's license and that petitioner is able to  
12 safely, skillfully and competently resume practice as an  
13 anesthesiologist assistant; or

14

15           (ii) Fulfilled all conditions and complied with  
16 all restrictions imposed upon petitioner by any prior order  
17 of the board, has otherwise corrected the conduct or  
18 condition that formed the basis for the restrictions or  
19 conditions placed on the petitioner's license and that  
20 petitioner is able to safely, skillfully and competently  
21 practice as an anesthesiologist assistant.

22

1           (d) After a hearing conducted pursuant to subsection  
2 (c) of this section, the board shall issue specific  
3 findings of facts, conclusions of law and a final order:

4

5                   (i) Reinstating the license;

6

7                   (ii) Reinstating the license subject to  
8 restrictions or conditions;

9

10                   (iii) Removing or modifying the restrictions or  
11 conditions of the license; or

12

13                   (iv) Denying reinstatement of the license or  
14 removal of the restrictions or conditions on the license.

15

16           (e) Any final order issued by the board shall be  
17 subject to judicial review as provided by W.S. 33-26-407.

18

19           (f) If the board denies a reinstatement or removal of  
20 restrictions or conditions, future petitions for  
21 reinstatement or removal of restrictions or conditions may  
22 be submitted not less than one (1) year after the board's

1 final order denying reinstatement or removal of  
2 restrictions or conditions.

3

4 (g) Notwithstanding subsections (a) through (d) of  
5 this section, if a license is suspended or restricted under  
6 W.S. 33-26-808(c), the license may be reissued without a  
7 hearing as provided in this section upon receipt from the  
8 department of family services of notice that the applicant  
9 has complied with the terms of the court order that  
10 resulted in the suspension or restriction of the license  
11 under W.S. 33-26-808(c).

12

13 **33-26-810. Penalties.**

14

15 Any person practicing as an anesthesiologist assistant  
16 without a license or any person knowingly employing a  
17 person to practice as an anesthesiologist assistant without  
18 a license is guilty of a misdemeanor and upon conviction  
19 shall be punished by a fine of not more than one thousand  
20 dollars (\$1,000.00), imprisonment for not more than one (1)  
21 year, or both.

22



1           **33-26-811. Voluntary and mandatory revocation;**  
2 **restriction; suspension.**

3

4           (a) A licensee may request the board, in writing, to  
5 accept the voluntary relinquishment, restriction or  
6 suspension of the licensee's license. The board may accept  
7 the relinquished license, grant the request for restriction  
8 or suspension, attach conditions to the license or waive  
9 the commencement of any proceedings under this article. The  
10 board shall put in writing any agreement with the licensee.  
11 Removal of a voluntary relinquishment, restriction or  
12 suspension is subject to the procedure for reinstatement of  
13 a license pursuant to W.S. 33-26-809.

14

15           (b) Unless the board and the licensee have agreed to  
16 the relinquishment of or imposition of restrictions or  
17 conditions on a license under this section, the board shall  
18 conduct a proceeding to suspend, restrict, refuse to renew  
19 or revoke a license as a contested case under the Wyoming  
20 Administrative Procedure Act.

21

22           **Section 2.** W.S. 33-26-102(a)(intro) and by creating  
23 new paragraphs (xxx) and (xxxi) is amended to read:

